

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL MEMORANDUM**

SB 362 - HB 412

February 28, 2023

SUMMARY OF BILL AS AMENDED (004028): Authorizes records related to a motor vehicle operator's refusal to submit to a test to determine the person's blood alcohol or drug content level (implied consent) to be eligible for expunction in the same manner as other eligible misdemeanor offenses under existing law. Prohibits such an expunction for persons who at the time of the offense held a commercial driver license or a commercial learner permit or who committed the offense within a commercial motor vehicle.

FISCAL IMPACT OF BILL AS AMENDED:

The fiscal memo issued on February 24, 2023 included incorrect information and was determined to be in error. The estimated fiscal impact is corrected below.

(CORRECTED)

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Based on information provided by the Administrative Office of the Courts, the average annual number of implied consent convictions statewide over the last five years is 440. This is assumed to remain constant.
- It is not known how many of those offenders possessed a commercial driver license or permit or committed the offense within a commercial motor vehicle.
- It is not known how many eligible implied consent offenders may choose to take advantage of their right to petition for an expunction.
- Any increase in expenditures incurred by the court clerks to process the increased number of expunctions can be accommodated within existing resources.

SB 362 - HB 412 (CORRECTED)

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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